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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,304	09/17/1999	STEPHEN CLIFFORD GOSS	CASE-4	2132

7590

08/28/2002

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/399,304

Applicant(s)

GOSS, STEPHEN CLIFFORD

Examiner

JOHN J LEE

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Applicant's arguments with respect to claims 1 - 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-12, 14-17, 20, and 23-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner (US Patent number 6026289) in view of Tayloe et al. (US Patent number 5,790,951).

Regarding **claim 1**, Zellner discloses that a method for use in a wireless network, said wireless network comprising a plurality of base stations, each serving a plurality of users via a plurality of communication channels, said method comprising the steps of:

transmitting an alert message (cell controller instructing the remote user) from a set of said base stations, to a plurality of users, (a sharing channel for user can tune and listen) (Fig. 1, 2, column 3, lines 11 – column 5, lines 35, and column 1, lines 50 – column 2, lines 43); and

transmitting a broadcast message (broadcast information service) from said set of base stations to said plurality of users on said one of said plurality of communications channels (Fig. 1, 2, column 3, lines 11 – column 4, lines 59, abstract, and column 1, lines 50 – column 2, lines 43).

Zellner does not specifically disclose the limitation “the alert message including the identity of one of said plurality of communication channels and the alert message indicating to said plurality of users that a broadcast message is available”. However, Tayloe discloses “the alert message including the identity of one of said plurality of communication channels and the alert message indicating to said plurality of users that a broadcast message is available” (Fig. 2, 4 and column 1, lines 17 – column 4, lines 64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Zellner system as taught by Tayloe. Doing so would enhance broadcasting channel adaptability for users in wireless communication system.

Regarding **claim 2**, Zellner discloses that the wireless network also includes a control channel, wherein said step of transmitting said alert message comprises transmitting said alert message on said control channel (Fig. 1, 2, column 3, lines 11 – column 5, lines 35, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 3**, Zellner discloses that the step of transmitting an alert message further comprises the step of transmitting a permission parameter as a

part of said alert message (Fig. 1, 2, column 3, lines 60 – column 5, lines 42, abstract, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 4**, Zellner discloses that the step of transmitting said alert message further comprises repeatedly transmitting an alert message on a periodic basis while said broadcast message is transmitted (Fig. 1, 2, column 3, lines 60 – column 5, lines 42, abstract, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 5**, Zellner and Tayloe disclose all the limitation as discussed in claim 1. Furthermore, Zellner further discloses that the set of base stations complete transmission of said broadcast message, said set of base stations sending a further alert message to inform the users that said one of said plurality of communication channels will expire in a predetermined time (Fig. 1, 3 and column 3, lines 60 – column 5, lines 42).

Regarding **claim 6**, Zellner discloses that after expiration of said predetermined time, said set of said base stations ceasing to broadcast on said communication channel, and returning said channel for further use (Fig. 1, 3, column 3, lines 60 – column 5, lines 42, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 7**, Zellner discloses that the one of said plurality of communication channels is selected from a reserved group of said plurality of communication channels (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 8**, Zellner discloses that the one of said plurality of communication channels is selected from a list of idle ones of said plurality of communication channels (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 9**, Zellner and Tayloe disclose all the limitation, as discussed in claim 1.

Regarding **claim 10**, Zellner and Tayloe disclose all the limitation as discussed in claim 1. Furthermore, Zellner further discloses that each of said plurality of base stations selects one of said plurality of communication channels based on channel availability, wherein said one of said plurality of communication channels may be different between each of said base stations (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 11**, Zellner discloses that the broadcast message originates at an information source remote from said base stations (Fig. 1, 2, column 3, lines 11 – column 4, lines 59, abstract, and column 1, lines 50 – column 2, lines 43).

Regarding **claim 12**, Zellner and Tayloe disclose all the limitation as discussed in claim 1. Furthermore, Zellner further discloses that means for receiving a first alerting message indicating that a broadcast message is imminent (cell controller instructing the remote user and then the controller transmits the broadcast message with voice channel), and indicating the

communication channel of said broadcast message (Fig. 1, 2, column 3, lines 11 – column 5, lines 35, and column 1, lines 50 – column 2, lines 43);

means for alerting (by the cell controller instructing with voice) a user of said wireless unit that said broadcast message is imminent (column 3, lines 11 – column 5, lines 35 and column 1, lines 50 – column 2, lines 43); and

means for setting up said wireless unit for receiving said communication channel (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 14**, Zellner discloses that for selecting whether to receive said broadcast message (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 15**, Zellner discloses that wireless unit uses CDMA protocol, wherein said communication channel is extracted using a corresponding one of a plurality of Walsh functions (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 16**, Zellner discloses that the wireless unit uses an analog air interface protocol, wherein said communication channel is extracted using an FM receiver tuned to a corresponding frequency (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 17**, Zellner discloses that the wireless unit uses a TDMA protocol, wherein said communication channel is extracted using a receiver tuned to a corresponding frequency and selecting appropriate time slots of a

received TDM data stream (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 20**, Zellner discloses that the wireless unit includes a keypad, wherein said user means for selecting comprises entering one or more digits on said keypad (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 23**, Zellner discloses that the communication channel comprises a forward link and a reverse link, and said wireless unit includes means for blocking automatically said reverse link of said communication channel for the duration of said broadcast message (Fig. 1, 3, column 3, lines 60 – column 5, lines 42, and column 1, lines 50 – column 2, lines 48).

Regarding **claim 24**, Zellner and Tayloe disclose all the limitation, as discussed in claims 1 and 12.

Regarding **claim 25**, Zellner and Tayloe disclose all the limitation, as discussed in claims 1 and 2.

Regarding **claim 26**, Zellner and Tayloe disclose all the limitation, as discussed in claims 1 and 5.

Regarding **claim 27**, Zellner and Tayloe disclose all the limitation, as discussed in claims 1 and 12. Furthermore, Zellner further discloses users may request to receive a broadcast message (Fig. 1, column 3, lines 60 – column 5, lines 42, and column 1, lines 50 – column 2, lines 48);

receiving a call placed by one of said plurality of users in accord with said



dialing instruction (column 3, lines 60 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Regarding **claim 28**, Zellner and Tayloe disclose all the limitation, as discussed in claims 12 and 23.

4. **Claims 13, 18-19, and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner in view of Tayloe and in further view of Dorenbosch (US Patent number 5959546).

Regarding **claim 13**, Zellner discloses that for storing a current state of said wireless unit before setting up said wireless unit for receiving said communications channel (column 2, lines 57 – column 5, lines 42 and column 1, lines 50 – column 2, lines 48).

Zellner and Tayloe do not specifically disclose the limitation “receiving a second alerting message indicating that said broadcast message is over and for automatically restoring said wireless unit to said stored state upon receipt of said second alerting message”. However, Dorenbosch discloses “receiving a second alerting message indicating that said broadcast message is over and for automatically restoring said wireless unit to said stored state upon receipt of said second alerting message” (column 4, lines 21 – column 6, lines 5 and Fig. 4, 5). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Zellner and Tayloe systems as taught by Dorenbosch. The motivation do so would be to share and tune to the channel for receiving enhancing broadcasting service and saving channel resource.

Regarding **claims 18 and 19**, Zellner and Tayloe do not specifically disclose the limitation “alerting comprises a user-visible signal”. However, Dorenbosch discloses “alerting comprises a user-visible signal” (column 4, lines 21 – column 6, lines 5 and Fig. 4, 5). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Zellner and Tayloe systems as taught by Dorenbosch. The motivation do so would be to provide efficient mobile notification service for users in mobile communication system.

Regarding **claim 21**, Zellner and Tayloe do not specifically disclose the limitation “selecting comprises a button separate from said keypad”. However, Dorenbosch discloses “selecting comprises a button separate from said keypad” (column 5, lines 12 – column 6, lines 5 and Fig. 5). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Zellner and Tayloe systems as taught by Dorenbosch. The motivation do so would be to provide efficient mobile service for signal reception.

Regarding **claim 22**, Zellner, Tayloe, and Dorenbosch disclose the all the limitation, as discussed in claim 19.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roos et al. (US Patent number 5,974,092) discloses Mobile Alerting in a Communication System.

Foladare et al. (US Patent number 6,073,235) discloses Private Broadcast Communication System and Method for Private Broadcast Communication over a Wired or Wireless Network.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Art Unit: 2682

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

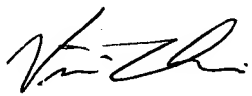
(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from  
the examiner should be directed to **John J. Lee** whose telephone number is  
**(703) 306-5936**. He can normally be reached Monday-Thursday and alternate  
Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are  
unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703)**  
**308-6739**. Any inquiry of a general nature or relating to the status of this  
application should be directed to the Group receptionist whose telephone number  
is (703) 305-4700.

J.L  
August 24, 2002

John J Lee

  
**VIVIAN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**  
8/26/02